

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327
THIS DOCUMENT RELATES TO: ETHICON WAVE 1 CASES LISTED IN EXHIBIT A	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' MOTION TO EXCLUDE THE OPINIONS AND
TESTIMONY OF TIMOTHY BRIAN MCKINNEY, M.D.**

COME NOW Ethicon Wave 1 Plaintiffs listed in Exhibit A, by and through the undersigned counsel, who respectfully request that this Court preclude Timothy Brian McKinney, M.D., a proffered general expert witness for the Defendants, from giving any opinions, including opinions regarding the design, use and/or safety of Defendants' Prolene Soft (Gynemesh PS) pursuant to Federal Rule of Evidence 701 and *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579, 592 (1993).

Dr. McKinney's opinions regarding the safety and efficacy of Prolene mesh should be excluded for several reasons, including that Dr. McKinney's purported expert opinions are based on his "personal experience" unsupported by medical or scientific literature, Dr. McKinney reviewed only materials selectively supplied by Defendants' counsel, and his opinions are contradicted by numerous scientific, peer-reviewed literature that he failed to take into account.

In support of this Motion, Plaintiffs incorporate their accompanying Memorandum of Law as well as the exhibits attached hereto as follows:

- 1. Exhibit A:** A list of cases to which the motion applies.

2. **Exhibit B:** Defendants' Identification of Experts Pursuant to PTO # 205 (*Robin Bridges v Ethicon, Inc., et al.* Case No. 2:12-cv-00651)
3. **Exhibit C:** Defendants' Identification of Experts Pursuant to PTO # 205 (*Paula and James Kriz v Ethicon, Inc., et al.*, Case No. 2:12-cv-00938)
4. **Exhibit D:** Expert Report of Timothy Brian McKinney, M.D.
5. **Exhibit E:** 4-14-16 Deposition of Timothy Brian McKinney, M.D.

WHEREFORE, for these reasons and as more fully set forth in Plaintiffs' supporting memorandum of law, Plaintiffs respectfully request that the Court enter an order granting Plaintiffs' Motion to Exclude the Opinions and Testimony of Timothy Brian McKinney, M.D.

This 21st day of April, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document on April 21, 2016, using the Court's CM-ECF filing system, thereby sending notice of the filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Mark R. Mueller
Attorney for Plaintiffs